

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Samuel J. Albury III,

Plaintiff

v.

Strategic Staffing Solutions,

Defendant

Case No. 2:24-cv-02003-CDS-EJY

**Order Extending Deadline for Plaintiff to
Object to the Report and Recommendation**

Plaintiff Samuel Albury brings this action alleging race and age discrimination and retaliation against defendant Strategic Staffing Solutions. Compl. ECF No. 1-1. Because Albury applied to proceed *in forma pauperis*, his complaint was screened under 28 U.S.C. § 1915(e) by United States Magistrate Judge Elayna Youchah, who found no basis for an exercise of personal jurisdiction over the out-of-state defendant. Order, ECF No. 7 at 4. Judge Youchah dismissed the complaint with leave to amend thereby allowing Albury to demonstrate facts showing that Strategic Staffing engaged in acts relating to his discrimination and retaliation claims in Nevada. *Id.* at 5. The court warned Albury that failure to amend the complaint by December 20, 2024, would result in a recommendation of dismissal. *Id.* That deadline passed without any response from Albury, so Judge Youchah now recommends that I dismiss without prejudice all of Albury's claims. R&R, ECF No. 8.

When a magistrate judge recommends that a district judge take a certain action, any party "may serve and file written objections to such proposed findings and recommendations" within fourteen days of being served with a copy of the magistrate judge's report and recommendation (R&R). Local Rule IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen days)); *see also* 28 U.S.C. § 636(b)(1) (same). The R&R in this instance did not include a notice with this objection deadline. Although not required, in the

1 event that Albury is not aware of his right to object to the magistrate judge's recommendation, I
2 sua sponte extend the time for Albury to do so before ruling on the recommendation to dismiss
3 this matter in its entirety. Albury is reminded that although he is proceeding pro se, he is
4 expected to know the rules of this court. See *Carter v. Commissioner*, 784 F.2d 1006, 1008 (9th Cir.
5 1986) ("Although pro se, [plaintiff] is expected to abide by the rules of the court in which he
6 litigates.").

7 Conclusion

8 IT IS THEREFORE ORDERED that Albury has until January 31, 2025, to file any
9 objections to Magistrate Judge Youchah's recommendation that this case be dismissed for his
10 failure to file an amended complaint establishing personal jurisdiction over the defendant.
11 If Albury chooses to do so, the objection should be titled "Objection to Magistrate Judge's
12 Report and Recommendation" and should be accompanied by points and authorities.

13 The Clerk of Court is instructed to mail and email a copy of this order and the report and
14 recommendation (ECF No. 8) to Albury.

15 Albury is cautioned that failure to file an objection or otherwise respond by January 31,
16 2025, will result in the dismissal of all claims without further notice.

17 Dated: January 17, 2025

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20 Cristina D. Silva
21 United States District Judge
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